

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

**MILLENNIUM MULTIPLE EMPLOYER
WELFARE BENEFIT PLAN,

DEBTOR.**

**CASE NO. 10-13528

(CHAPTER 11)**

CLAUDE YOUNG, et al.,

Plaintiffs,

v.

**THE MILLENNIUM MULTIPLE
EMPLOYER WELFARE BENEFIT PLAN,
et al.,**

Defendants.

ADVERSARY NO. 10-01176

**PLAINTIFFS' CLARIFICATION OF MOTION FOR ORDER GRANTING
VOLUNTARY DISMISSAL OF CERTAIN DEFENDANTS AND PLAINTIFFS'
MOTION FOR VOLUNTARY DISMISSAL OF CONSPIRACY CLAIM AGAINST
THE MILLENNIUM MULTIPLE EMPLOYEE WELFARE BENEFIT PLAN**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs respectfully ask the Court for an Order granting voluntary dismissal of Plaintiffs' claims against Defendant The Millennium Multiple Employee Welfare Benefit Plan ("Millennium"). This Defendant does not oppose Plaintiffs' request for dismissal.

Pursuant to Federal Rule of Civil Procedure 41(a)(2) Plaintiffs further ask this Court for an Order voluntarily dismissing Plaintiffs' Cause of Action for Conspiracy against Millennium and any other Defendant for allegedly conspiring with Millennium. Plaintiffs originally stated that they sought dismissal of their conspiracy claim, but did not make it clear that Plaintiffs were only seeking dismissal of their claim that any other Defendant conspired with Millennium.

Plaintiffs do not seek dismissal of their claims that the remaining Defendants conspired with each other.

Thus to clarify, Plaintiffs do not dismiss any other claims against any other Defendant, nor do Plaintiffs dismiss their claims that all other Defendants conspired with each other in the manner as alleged. Plaintiffs only dismiss all claims asserted against Millennium and all claims that any other Defendant conspired with Millennium.

Even though this is a voluntary dismissal, under Rule 41 the dismissal can only be accomplished by order of this Court because certain defendants have already filed Answers in this action.

Respectfully submitted,

/s/ Anthony L. Vitullo

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**ATTORNEYS FOR VARIOUS
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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. Bankruptcy Court, Western District of Oklahoma, using the electronic case filing system of the Court. The electronic filing system sent a "Notice of Electronic Filing" to attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice was electronically mailed to the following parties:

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Additionally, a true and correct copy of the foregoing pleading was sent to the following parties in this proceeding by first class mail.

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